

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Criminal No. 1:07cr20

ANGELIQUE MARIE ESPARCIA,  
Defendant.

**ORDER/OPINION**

On May 3, 2007, Vincent T. Zummo, Defendant Angelique Marie Esparcia's Supervising United States Probation Officer, filed a Petition for Warrant of Summons for Offender Under Supervision, alleging:

- 1) Violation of Mandatory Condition: The defendant shall refrain from any unlawful use of a controlled substance. The defendant submitted a urine specimen on April 25, 2007, which tested positive for opiates via a preliminary test. The defendant subsequently admitted to obtaining a prescription for hydrocodone on April 24, 2007. The prescription bottle was reviewed. The defendant admitted to abusing the medication. The defendant signed an acknowledgment form . . . .
- 2) Violation of Mandatory Condition: The defendant shall not commit another federal, state or local crime. The defendant admitted to the Probation Officer that she illegally distributed two hydrocodone pills from a prescription she received on April 24, 2007 . . . .
- 3) Violation of Special Condition: The defendant shall participate in a program approved by the Probation Officer for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation Officer. The defendant was instructed to attend NA meetings as part of her treatment program. She has failed to attend these meetings as directed.
- 4) Violation of Special Condition: The defendant shall participate in a program approved by the Probation Officer for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation Officer. The defendant failed to report for drug testing on April 19, 23, and 24, 2007, as instructed by the Probation Officer.

On the 9th day of May, 2007, Defendant, in person and by her counsel, Brian J. Kornbrath, filed a written Waiver of Rule 32.1 Hearing, waiving the preliminary hearing in this matter, thereby conceding probable cause existed to forward this revocation matter to Chief United States District Judge Irene M. Keeley for hearing and disposition regarding Violation No. 2 of the Petition for Warrant or Summons for Offender Under Supervision filed on January 16, 2007.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated the Conditions of her Supervised Release as alleged in Violation No. 2 of the Petition for Warrant or Summons for Offender Under Supervision filed January 16, 2007.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Irene M. Keeley, Chief United States District Judge for the Northern District of West Virginia on the violations alleged in Violation No. 2 of the Petition for Warrant or Summons for Offender Under Supervision filed on January 16, 2007.

Defendant then made an oral motion for release pending disposition of the Petition for Warrant or Summons for Offender Under Supervision. For reasons stated on the record, the undersigned denied Defendant's motion.

The Clerk of the court is directed to send a copy of this order to counsel of record.

DATED: May *10*, 2007.

  
JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE